

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.2032 OF 2011**

**S.P.PRASANNA**

**APPELLANT(S)**

**VERSUS**

**STATE OF KARNATAKA**

**RESPONDENT(S)**

**O R D E R**

1. This appeal is directed against the judgment and order dated 24.06.2011 passed by the High Court of Karnataka in Criminal Appeal No.1551 of 2005 by which the acquittal of the appellant made by the learned trial Court under Section 302 IPC has been reversed.

2. The prosecution case against the accused is built on circumstantial evidence, there being no eyewitness to the occurrence.

3. Having considered the evidence of PW-2 and PW-3, (parents of the deceased); the evidence of PW-7 and 8, the Manager and the Room Boy of the Padmashree Lodge from where the dead body was recovered and the evidence of PW-23, the Investigating Officer, we are satisfied that the following circumstances have been

proved by the prosecution as against the accused :-

- (i) The accused and the deceased who were young in age were known to each other.
- (ii) On a particular date the deceased left home saying that she would go to her aunt's place.
- (iii) PW-2, the father of the deceased, visited his sister's place (aunt of the deceased) a week later and came to know that the deceased was not there.
- (iv) A few days later, on being informed by PW-4, PW-2 went to Chickmagalur and thereafter he was taken to the Basavanahalli Police Station where he identified the photograph of the deceased along with her wearing apparels.
- (v) The dead body was recovered from Room No.102 of Padmashree Lodge at Chickmagalur in a highly decomposed state.
- (vi) PW-7, Manager of the Lodge and PW-8, Room Boy working in Lodge, identified

the accused as the person to whom Room No.102 was allotted and who had been staying in the Lodge with the young girl.

(vii) On postmortem, the deceased was found to be pregnant at the time of her death.

(viii) The hand-writing of the entries against Room No.102 in the Register of the Lodge and the specimen hand-writing of the accused were found by the Hand-Writing Expert to be the same.

4. There is another circumstance on which much arguments have been advanced by the learned senior counsel for the appellant. This is with regard to the admissibility of the fact of recovery of the room key made at the instance of the accused. It is our considered view, that even if the last circumstance, which the High Court held to be proved, is to go to the benefit of the accused, the other circumstances cumulatively can point to only one direction, namely, the guilt of the accused.

5. In the aforesaid circumstances, we are of

the view that even construing the jurisdiction of the High Court hearing an appeal against the acquittal to be somewhat circumscribed, we can find no fault or error with the view taken by the High Court. The appeal is accordingly dismissed. The conviction recorded and sentenced imposed is maintained.

....., J.  
(RANJAN GOGOI)

....., J.  
(R. BANUMATHI)

NEW DELHI  
April 19, 2018

ITEM NO.102

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 2032/2011

S.P.PRASANNA

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With CrI.M.P. No.14898/2016)

Date : 19-04-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. R. Venkatramani, Sr. Adv.  
Mr. Shekhar G. Devasa, Adv.  
Mr. Manish Tiwari, Adv.  
Mr. Luv Kumar, Adv.  
Mr. Yashraj Bundela, Adv.  
Mr. D.K. Gar. Adv.  
M/S. Devasa & Co., AOR

For Respondent(s) Mr. V.N. Raghupathy, AOR  
Mr. Md. Apzal Ansari, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is dismissed in terms of the  
signed order.

Pending application(s), if any, shall stand  
disposed of.

(NEETU KHAJURIA)  
COURT MASTER(ASHA SONI)  
BRANCH OFFICER

(Signed order is placed on the file.)